

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Application No. : 10/084,676 Confirmation No. : 2539  
First Named Inventor : Iris ZIEGLER  
Filed : February 28, 2002  
TC/A.U. : 1618  
Examiner : Blessing Fubara  
  
Docket No. : 029310.50932  
Customer No. : 23911  
  
Title : Oral Pharmaceutical Forms of Administration with a  
Delayed Action

**RESPONSE TO NOTICE OF NON-COMPLIANT APPEAL BRIEF**

Mail Stop: **Appeal Brief- Patents**  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

In response to the Notice of Non-Compliant Appeal Brief mailed January 2, 2008, Applicants respectfully submit the following replacement section to correct the alleged deficiency relating to 37 C.F.R. § 41.37(c)(1)(iii):

**STATUS OF CLAIMS (37 C.F.R. § 41.37(C)(1)(III))**

Independent claims 17 and 38 were finally rejected in the Final Office Action mailed July 11, 2007. Independent claims 17 and 38 are now on appeal. Claims 1-16 and 18-37 were cancelled in the response filed July 28, 2003.

No fees are believe to be owed with this submission, however, the Commissioner is hereby authorized to charge any deficiency in fees, or credit any overpayment, to Deposit Account No. 05-1323 (Ref Docket No: 029310.50932US).

January 8, 2008

Respectfully submitted,

/Christopher T. McWhinney/

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